

REMARKS

Claims 1-19 and 21-31 were pending in the present application. In the above amendments, claims 1-11, 16-19, 21-29 and 31 are amended. Claim 30 is cancelled without prejudice or disclaimer. Since the previously filed amendments were not entered, this listing of the claims is based upon the claims as they were pending at the time of the Final Office Action dated September 25, 2009. Therefore, after entry of the above amendments, claims 1-19 and 21-29 and 31 remaining pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

This response is filed conjunction with a Request for Continued Examination. Entry of the amendments and reconsideration of the claims as amended is respectfully requested.

Summary of the Office Action

In the Office Action, claims 21-29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter and under 35 U.S.C. § 112, second paragraph, as being indefinite. Also in the Office Action, claims 1-19 and 21-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publ. No. 2003/0112952 to Brown et al. and U.S. Patent No. 7,003,327 to Payne et al. further in view of U.S. Patent Publ. No. 2003/0063590 to Mohan et al. These rejections are traverse and reconsideration is requested based upon the foregoing amendments and the following remarks.

Response to Rejections of Claims 22-29 Under 35 U.S.C. § 101 and 35 U.S.C. § 112

In response to the rejections under 35 U.S.C. § 101 and 35 U.S.C. § 112, claims 21-29, claim 21 is amended to implement the amendment suggested by the Examiner in the Office Action. Claims 22-29 are amended in order to recite the subject matter in a form compatible with the amended claim 21. Applicants thank the Examiner for suggesting a suitable claim amendment, and respectfully submit that the amendments overcome the basis for the rejections under 35 U.S.C. § 101 and 35 U.S.C. § 112. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 21-29 under 35 U.S.C. § 101 and 35 U.S.C. § 112.

Response to Rejections of claims 1-19 and 21-31 Under 35 U.S.C. § 103(a)

In response to the Office Action and the Advisory Action, Applicants have amended independent claims 1, 10, 11 and 21 and cancelled claim 30 to overcome the rejections. Claims

2-9, 16-19, 22-29 and 31 are amended for form and to comply with amendments to the independent claims.

Amended independent claims 1, 10, 11 and 21 now recite additional operations performed within the wireless device that are disclosed in FIG. 2 and described in paragraphs [0022]-[0025] of the specification. In particular, claim 11, which is representative of each of the independent claims, now recites:

determining in the wireless device whether the incoming communication can be classified using identifying information of the attempted incoming communication connection;

determining in the wireless device whether a user needs to classify the incoming communication when it is determined that the incoming communication cannot be classified using identifying information of the attempted incoming communication connection;

classifying in the wireless device the attempted incoming communication connection using the identifying information of the attempted incoming communication connection when it is determined that the incoming communication can be classified or when it is determined that the user does not need to classify the incoming communication;

requesting a user to classify the incoming communication and determining whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication;

classifying the attempted incoming communication connection in the wireless device based upon the user classification when it is determined that the user classified the incoming communication;

determining whether there is a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection;

performing in the wireless device the predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection when it is determined that there is

a predetermined response to the attempted incoming communication connection;
and

allowing connection of the incoming communication when it is
determined that there is not a predetermined response to the attempted incoming
communication connection or when it is determined that the user did not classify
the incoming communication.

Applicants respectfully submit that the combination of Brown, Payne and Mohan fails to disclose or suggest several of the elements now recited in independent claims 1, 10, 11 and 21, and therefore the amended claims are now allowable over the cited references. In particular, Applicants respectfully submit that the underlined elements are not disclosed or suggested in any of Brown, Payne and Mohan. For example, none of Brown, Payne and Mohan teach or suggest determining whether a user needs to classify the incoming communication when it is determined that the incoming communication cannot be classified and requesting the user to classify the incoming communication and determining whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication.

Additionally, claims 1-11, 21 and 30 are amended to recite a cellular telephone rather than the generic term “wireless device” in order to further clarify that the claimed device and methods do not encompass any part of a cellular system switching center. As explained in the previous response to the Final Office Action submitted November 24, 2009, Brown discloses methods and system for connecting callers that are implemented in a call switching center. While Brown discloses processors within cellular telephones, the functionality associated with classifying calls and performing predetermined responses disclosed in Brown is accomplished in the call switching center and *not* in the cellular telephone units. Therefore, Applicants further submit that the pending claims are further allowable over the cited references for the reasons articulated in the previous response submitted November 24, 2009.

Since amended claims 1, 10, 11 and 21 now recite elements not disclosed or suggested in Brown, Payne and Mohan, Applicants respectfully submit that these claims are now allowable over the cited references. Further, since claims 2-9, 12-19, 22-29 and 31 depend, directly or indirectly, from one of claims 1, 11 and 21, Applicants respectfully submit that these claims are

also now allowable over the cited references for the same reasons. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-19, 21-9 and 31 under 35 U.S.C. § 103(a).

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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